

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	CRIM. NO. 04-30002-MAP
)	
vs.)	
)	
PAUL CALCASOLA and)	
ELISABEL RIVAS,)	
)	
<u>Defendants.</u>)	

PARTIES' JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

1. The parties agree that no relief should be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3. The defendants have inspected the discovery made available under FRCP 16(a)(1) and the Local Rules. The defendants have made copies of some documents, but not all documents. The defendants agree to provide reciprocal discovery under FRCP 16 and the Local Rules.

2. The defendants have requested discovery under FRCP 16(a)(1)(G). Defendants agree to provide reciprocal discovery under FRCP 16(b)(1)(C) if the defendants decide to use an expert

witness in this case.

3. The parties do not expect to provide additional discovery in the future.

4. The parties agree that a motion date should not be set under FRCP 12(c) at this time.

5. Seventy days remained on the Speedy Trial Clock as of March 9th, 2004, the day of the last status conference. Since March 9, 2004, the Government received and/or responded to discovery letters from each defendant. In addition, counsel for defendant Calcasola and for the United States were involved in a trial that commenced on March 29, 2004 and concluded on April 21, 2004.

Therefore, despite the exercise of due diligence, the unavailability of counsel for defendant Calcasola and the United States prevented the parties from insuring that all discovery issues have been resolved and exploring the resolution of the case without a trial. Accordingly, the Speedy Trial Clock should be tolled from March 9, 2004 through May 5, 2004.

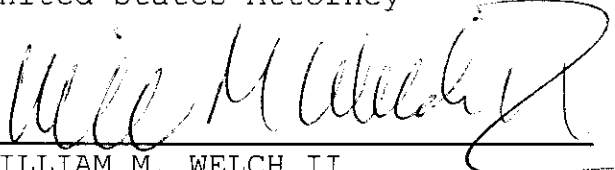
6. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of one and a half weeks.

7. The parties recommend another interim status conference in mid-June, 2004.


Filed this 14th day of May, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney


WILLIAM M. WELCH II
Assistant United States Attorney

For defendant Paul Calcasola:


C. JEFFREY KINDER, ESQ.
Counsel for defendant Calcasola

For defendant Elisabel Rivas:

JUDITH KNIGHT, ESQ.
Counsel for defendant Rivas

Filed this 10 day of May, 2004.

Respectfully submitted,


MICHAEL J. SULLIVAN
United States Attorney

WILLIAM M. WELCH II
Assistant United States Attorney

For defendant Paul Calcasola:

C. JEFFREY KINDER, ESQ.
Counsel for defendant Calcasola

For defendant Elisabeth Rivas:


JUDITH KNIGHT, ESQ.
Counsel for defendant Rivas

CERTIFICATE OF SERVICE

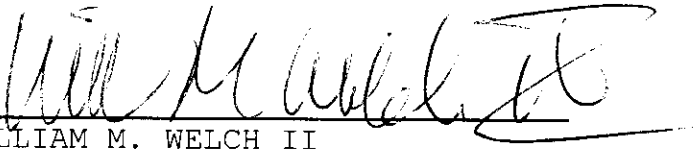
Hampden, ss.

Springfield, Massachusetts
May 4, 2004

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by faxing said motion to:

C. Jeffrey Kinder, Esq.
64 Gothic Street
Northampton, MA 01103

Judith C. Knight, Esq.
342 Main Street
Great Barrington, MA 01230



WILLIAM M. WELCH II
Assistant United States Attorney